Governor's Upper Yellowstone River Task Force
Meeting Summary
May 22, 2003
Yellowstone Inn
Meeting began at 7:00 p.m.

I.   Introductions

Members Present:

John Bailey, Chair	Doug Ensign	Ed Schilling
Roy Aserlind	Jerry O'Hair	Rod Siring
Andy Dana	Brant Oswald	

Ron Archuleta, USFS Ex-Officio	Laurence Siroky, DNRC Ex-Officio
Ken Britton, USFS Ex-Officio	Allan Steinle, Corps Ex-Officio
Tom Olliff, YNP Ex-Officio	Stan Sternberg, MDT Ex-Officio

Others Present:

Liz Galli-Noble, Coordinator	Scott Bosse	Jim Robinson
Kelly Wade, Secretary	Lionel Dicharry	Daryl Smith
Jacqueline Isaly, Assistant	Al Jaeger	Stan Todd
Jim Barrett	George Jordan	

II.   Prior Meeting Minutes

Andy Dana moved to approve the May 6, 2003 minutes. Brant Oswald seconded the motion. The motion passed unanimously.

III.   Financial Updates

EXPENDED GRANTS			
Grant Name	**Completed**	**Amount**	**Study Component**
DNRC Watershed Planning Assistance Grant	6/30/99	2,100.00	Physical Features Inventory
DNRC HB223 Grant	7/30/99	10,000.00	Aerial photography
DNRC Riparian/Wetlands Educational Grant	6/30/00	960.99	*Hydrologic Response to the 1988 Fires* Workshop
DEQ 319 Grant (1st)	9/30/00	40,000.00	Coordinator position
DNRC Watershed Planning Assistance Grant	1/31/01	10,000.00	Watershed Land Use Study
DEQ Start-Up Grant	6/26/01	49,138.00	Coordinator position, Admin secretary, additional cross-sections, operating expenses.
DNRC HB223	10/1/01	6,500.00	Riparian Trend Analysis
BLM Funding	10/26/01	10,000.00	Wildlife Study
DEQ 319 Grant (2nd)	3/21/02	58,000.00	Coordinator position
DEQ 319 Grant (3rd)	9/30/02	44,000.00	Coordinator position
EPA RGI Grant	12/20/02	30,000.00	Geomorphology study
CURRENT GRANTS			
Grant Name	**Amount**	**Spent**	**Remaining Balance**
DNRC RDGP Grant (expires 7/03)	299,940.00	288,621.63	11,318.37
DEQ 319 Grant (4th) (expires 3/04)	122,200.00	53,215.93	68,984.07

Liz Galli-Noble: You'll notice that the numbers are the same as those reported at our last meeting. However, where the DEQ 319 Grant shows $68,984.07 remaining is not completely accurate. Amy Miller typically only bills out for Task Force expenses once a month and we are having meetings much more frequently than that these days; therefore, the number reported is not showing our May expenses. I would venture to guess that the 319 amount is really closer to $63,984.00. The reason that I bring this up is because I know we are starting to watch every penny that we have remaining for the project, and I don't want you to think that we still have almost $70,000 left in the 319 Grant fund.

IV.   Other Task Force Business

John Bailey: Before we move into recommendations, Laurence Siroky asked about making a Floodplain Map presentation to the Task Force at our first July meeting. I'll let him explain what he had in mind concerning the floodplain maps.

Laurence Siroky: I talked to Liz about this and Liz talked to John. We are planning on having public meetings on the Park County floodplain maps sometime in July, and these maps are preliminary at this point. The meetings are for the public to see those maps on a preliminary basis, before we formally adopt them as floodplain maps. It's an informational meeting, informal meeting, but before we set that meeting for the public, or have that meeting with the public, I thought it would be a good idea to have those maps available and talk about them with the Task Force; at a Task Force meeting prior to that public meeting. Say, about two or three weeks before that public meeting. So you'd have a chance to look at them, and see and know what's in those maps before they really hit the public. The schedule for the July public meeting hasn't been set yet; I was waiting to see the July Task Force meeting schedule first; to give you a chance to look at those maps initially. I'd like to have the mapmakers here—the hydrologists from the USGS and the Corps of Engineers—to answer any technical questions that may come up. I would also like to have my floodplain person here to answer any procedural floodplain regulation kind of questions at the same time. With that I'll give it back to John for discussion.

John Bailey: Is there any discussion on what Laurence suggested?
One of my thoughts, and we'll find out tonight how far we get, is that Liz and I just arbitrarily went through all of the Issues of Concern and assigned them to the next three Task Force meetings. If we get through them, we get through them; if we don't, we'll take more time. If we do get through them by June 11th, then in July we could have a meeting or two with a more general discussion. Since right now we're limiting ourselves to specific topics, we are probably going to need a chance to look at a big picture concept. That's a thought I had on my mind, and we'll have to see how well we move through these topics. At least from the last meeting, I have some confidence that we'll be able to get quite a ways through here. Let's see if we can set a July meeting, and I'm assuming we want to do it after the fourth.

Liz Galli-Noble: Just a quick comment: Wednesday evenings are not good for staff; if it's at all possible we need to avoid that night.

John Bailey: So the first Tuesday after the 4th is July 8th.

Liz Galli-Noble: July 8th does not work for Michelle Goodwine.

John Bailey: So July 10th, Thursday?

Laurence Siroky: I have a reunion on the 10th.

John Bailey: Laurence can't come. Well, Monday apparently is not a good day. I guess we have July 15th, but we may have to meet more than once a week if we get pushed back too far. That's my only concern. Okay, so the 15th? Then we have less than a month. What's our deadline date to be done?

Liz Galli-Noble: August 21st.

John Bailey: Okay, then we're okay. We'll have our first July meeting on July 15th then. Is there any other business? Okay, then we will move into Task Force Recommendations.

V.   Task Force Recommendation Deliberations

John Bailey: At our last meeting, we started on Bank Stabilization, which we agreed to continue tonight. We were working on one recommendation, which I believe is projected on the screen behind me. The plan tonight is to type and project any recommendation that is proposed, so we can fine-tune it. I guess I would start with Andy Dana, who made the recommendation that was tabled at our last meeting. Do you

have anything you want to add to this? I'm assuming we're in a general discussion right now [see Step 1 of the *Steps for Formal Action on Task Force Recommendations* process; *Attachment A*].

#1 Recommendation by Andy Dana
"Encourage the permitting agencies to create a Bank Stabilization Information Clearinghouse to provide information about new and existing methods of bank stabilization methods and techniques, including methods that complement the natural system and methods that might be appropriate for specific individual situations."

Andy Dana: I guess since I wrote that, I'm happy with it. If people feel like there needs to be a home, I don't really feel strongly about it, except that it may become a political football if it gets into the wrong hands, I suppose; if somebody tries to use the clearinghouse to push an agenda. I would propose a local entity as a possible repository of this clearinghouse of information. The Conservation District—if they're willing to take it on—seems like a logical place, but I'm happy with it as it is.

John Bailey: Other discussion? If we added a local entity to that, then it would make it more available to the people in this area. But if it ended up in Helena, people that wanted to see the data would have to take a trip to Helena.

Andy Dana: There is the Internet.

John Bailey: Not everybody has a computer, and I think some rural people have trouble getting a very high-speed connection. Do you want to move into Step 2 on this, or have further discussion on bank stabilization and then go and make recommendations?

Andy Dana: Do you want to propose a local entity? Because if you have some alternative language I could certainly agree to amend it?

John Bailey: I wouldn't mind if it said "local entity", but I think we should leave it open as to who would be doing it. It may not be Park Conservation District, it could be the new library. And I think if we leave it more open, the more chance there is for it to be successful. If we said Park Conservation District, and they didn't want it, then that recommendation dies, or it has the potential to die.

Andy Dana: I'll amend that to try and meet your concerns. It would be "Encourage the creation of a local bank stabilization information clearinghouse…" Actually, I'll even amend that and just say, "create," this is the recommendation: "Create a local bank stabilization information clearinghouse…"

#1 Recommendation by Andy Dana
"~~Encourage the c~~ Create ~~ion~~ a local ~~permitting agencies to create a~~ Bank Stabilization Information Clearinghouse to provide information about new and existing methods of bank stabilization methods and techniques, including methods that complement the natural system and methods that might be appropriate for specific individual situations."

Andy Dana: I guess the only thing that I would comment on, as far as that is, is that if the Conservation District rejects it, it might come to the County.

Ed Schilling: You could also ask, what is "local?" Is Montana local? When you say a local permitting agency, it could be…

John Bailey: It's not the Yellowstone River? We represent the River. Any discussion on this, public or otherwise?

Roy Aserlind: As I would perceive this, it would be of value to the entire state, to a number of different watersheds; that this may be of value to people over on the Bitterroot, and the Boulder, along the Bighorn, and the Madison. To put it into a local context, I think, would kind of cut down on the potential effectiveness of this, which I think is a great idea. Is there any local entity that could handle something

like this, collecting the information, collating the information, interpreting it, and then disseminating it, if they got a request from somebody from the Milk River, or wherever? That's a question.

John Bailey: What is it you want to do about your question? Do you want to take "local" off, is that what you're asking?

Roy Aserlind: I honestly think that a state agency would be better served by this. They have the mechanics, they have the computer system, they have the access to a vast array of information. I could look over there and say, "Dump it all in Allan Steinle's lap."

John Bailey: At the last meeting, this started out as being housed with the Corps, and that didn't receive consensus.

Roy Aserlind: Well, that was Omaha though, wasn't it?

Andy Dana: It was permitting agencies.

Scott Bosse: My only comment would be, after the word "complement," after "complement the natural system," I would suggest adding "to the extent possible." The reason I say that is because of Allan Steinle's comments a couple weeks ago about all bank stabilization serves the same purpose, and that's to deny the river access to its flood plain; it's just a matter of degree. And so, I would just say, "complement the natural system to the extent possible."

Allan Steinle: I think what I said was, while all bank stabilization has the same purpose, and that is to keep the bank in place (the river from meandering). I don't think I said anything about access to flood plains.

Andy Dana: I'm not going to change the recommendation to include that. Basically because, if it complements the natural system, great; it's sort of implied to the extent possible. I'm not inclined to adopt that.

John Bailey: Okay, let's move into Step 2. We have a recommendation and I am supposed to read it: Recommendation #1 "Create a local Bank Stabilization Information Clearinghouse to provide information about new and existing methods of bank stabilization, methods and techniques including methods that complement the natural system and methods that might be appropriate for specific individual situations."

Andy Dana: Thank you for reading that. That was useful because there are a lot of "methods" in there. I guess what I propose is to make a change; is it within the protocol to make a change now, and then reread it again?

John Bailey: I'm supposed to ask for final concerns and questions.

Andy Dana: Okay. What I would say is, and this is just wordsmithing, "to provide information about new and existing methods of bank stabilization", then delete "methods and techniques". That's still a lot of methods. I think that's fine.

John Bailey: I will read it again, Recommendation #1 "Create a local Bank Stabilization Information Clearinghouse to provide information about new and existing methods of bank stabilization, including methods that complement the natural system and methods that might be appropriate for specific individual situations."
Are there any final concerns or questions related to this recommendation?

Stan Sternberg: I guess I have some concerns about "creating a local". You'd like some agency or organization that would have some knowledge of bank stabilization methods, instead of just a body or administrative support person that could glean what was useful out of it, and provide it to others. Maybe this is big brother, but I work for the state agency, and I feel it would be better—like Roy Aserlind's

comment—that it maybe could be used by other watersheds as well. You have, obviously, local interest and need for these services, so whatever you want. Just a comment.

John Bailey: My understanding is, although I don't know if it has ever been formally adopted, everyone seems to believe that all our maps, data we collect, is going to stay at the Park Conservation District's office. Now, everybody's saying it's all going to go to Helena. I think there's duplicate in Helena. So there seems to be some uncertainty here. I don't think anybody talked to the Conservation District to ask them if they would be willing do this. But it seems that if you have this huge body of data, if everything is in one place, it helps people who are interested.

Allan Steinle: I don't think it matters who gathers this data. I think it is important that you pass it to somebody who has the correct technical expertise on how to put this together. Who might know sources and places where they can look for the information. What's important is where it housed. I think you could have anybody do the work, with the stipulation that copies are provided to—in whatever format you chose (electronic or paper)—to the Conservation District, the library, whoever you would chose. I kind of hate to do this or bring this up, but that last part of the recommendation, Andy, you either need to clarify it, on what "specific individual situations" might be referring to; or, I don't know how the person or the group that's compiling this report can envision what their target is, with the "specific individual situations." You know from experience that there's 101 things that could be going on out on the river.

Andy Dana: So there's 101 different options. That's why it is a clearinghouse.

Roy Aserlind: As long as we're in this discussion situation, could I ask a question? Will the Task Force website be continued beyond the life of the Task Force? If it is continuing, anything of this nature, if it were to be done under the aegis of the Task Force, locally, would be on the website then, and would be accessible nationally?

John Bailey: If somebody puts it there. Someone has to put it on there, the site is housed where?

Liz Galli-Noble: Within DNRC.

John Bailey: DNRC has it, and I think we've got a 10-year license on the name. But if we're not there, and Liz is not there to make sure it goes on it, it's certainly feasible, but we can't guarantee it.

Rod Siring: Yes, but we've got Laurence.

Roy Aserlind: Well, in all my years of university, the most profound thing I ever heard from one of my professors was, 'nothing is 100 percent;' so I can live with your encomium here.

John Bailey: Any other discussion?
Okay, do we have consensus? Is anyone uncomfortable with this?
So, I see that we have consensus on the Recommendation #1 up there.

> **Recommendation #1:   Reached Consensus**
> **"Create a local Bank Stabilization Information Clearinghouse to provide information about new and existing methods of bank stabilization, including methods that complement the natural system and methods that might be appropriate for specific individual situations."**

John Bailey: So we are now moving back to Step 1, general discussion, and we'll continue on if there is any more discussion about bank stabilization. Comments on bank stabilization?

Roy Aserlind: Well, I don't know whether you want to go to the next recommendation that is up on the screen.

John Bailey: Well, let's have a discussion, open discussion on the concept.

Roy Aserlind: Okay. Then my comment is, and this would be for Recommendation #2 shown on the screen, that if I could just give a little bit of background, and those of you that have heard me before, that to me, the geomorphological studies have presented some of the most concrete stable identifiable indices of the Yellowstone River. These geomorphological structures are very stable throughout time; I won't say quite the eons. My recommendation then to whomever, any permitting agency, if they are to make any decisions, let's say individual stabilization plans, permitting plans, site plans, that the geomorphological reach structure, and, as an aside, Andy Dana's recommendation segued right into this. He said "natural structures," and that's precisely what I'm asking in this recommendation, that, to rephrase it, whoever does the permitting, bank stabilization permitting, site specification, look closely at the geomorphological structures. They have a great deal to tell us about the river, about the potential of any stabilizing effort, any siting efforts, any permitting efforts. And this is just a consideration, and it is just a recommendation, it's not an edict, it's not a mandate, it's not an order, it's only a recommendation.

> #2 Recommendation by Roy Aserlind
> "The Task Force recommends that future agency management decisions concerning, for example: bank stabilization, permitting, and siting, be made only after thorough consideration has been given to the geomorphological "reach type" structures of the river and their different inherent characteristics."

John Bailey: Comments?

Liz Galli-Noble: May I just say one thing? If it is confusing people why we already have this typed up and on the screen, it's because Roy brought his recommendation into me ahead of time. And I thought it was a great idea to show you how we can prep a little bit ahead of the meeting. If the recommendation doesn't reach consensus, that's fine, we can just delete it. But I would encourage everyone, if they have something very specific that they want to propose, please e-mail it to me or get it to me in hard copy, and I'd be happy to type it up and have it prepped for the meeting. That'll certainly speed things up.

John Bailey: Roy, when you say "reach type", are you talking entrenched, confined wandering gravel bed, wandering gravel bed, or are you talking the ones below: bedrock/cascade/plane-bed, pool-riffle, forced single, anabranching, anabranching/braided, forced pool-riffle?

Roy Aserlind: Yes, I'm looking at the whole configuration. Most of them have their own inherent characteristics.

John Bailey: Okay, that's fine. You have them as one thing, but they're on two lines [in the figure you presented to us last time], so I wanted to be sure.

Roy Aserlind: Okay.

John Bailey: Comments, discussion, anything about this?

Doug Ensign: Roy, I think this is really a good idea. A question I have is, who would be expected to make this thorough consideration; and then after, what exactly constitutes a thorough consideration?

Roy Aserlind: Well, it's my understanding that with permitting, let's say that Person A would like some bank stabilization effort to be made on his or her own property. He or she would consult with, first, a hydrologist, and the hydrologist will then draw up what the hydrologist feels to be a reasonable effort to meet the needs of the individual. From then on, as far as I know, a permit is drawn up that goes in, in this particular case, to the Corps of Engineers. Now I don't know about engineers, I don't know if they're the first in line, who receives the permit, but this is who I am referring to. To whatever agency looks at something and says "yes or no." All I'm asking for is a consideration in this, that they really consider that. I can see spots on the Yellowstone, especially say within an entrenched reach, where I don't think any type of stabilization efforts would be necessary, at least I can't perceive it sitting here at the table. And yet there are other places where I would suppose—and I'm just coming right off the top of my head, believe me—in some of these areas, I would think they would almost be constrained to refuse the request. In the case of a wandering bed, and especially if this wandering bed included side channels that

we have seen from other resources, other research, are the prime areas for recruitment of juvenile fish. Myself, I wouldn't want to see anything that would cut off the side channel that would prevent recruitment.

Brant Oswald: I have several comments on this. One of the first ones, just in terms of procedural stuff, one of the things I remember from the presentations, that Jim Robinson and Chuck Dalby made, was that you had chosen among different sorts of classification schemes and found one that you thought was the best possible fit. I guess just from a procedural point of view, wondering whether "reach type" needs to be defined a little more specifically here, so that if we're recommending that agency decisions take these things into account, which I'm not arguing with, but whether we could just leave it at that general level, and expect the permitting agencies to agree with this sort of scheme that you've chosen.

Jim Robinson: Chuck cooked up that classification scheme. It's kind of a combination of several schemes that are in the literature. I hope it was apparent when we talked about it that there are certain channel types that are more prone to more rapid erosion and depositional cycles. So I recall there are six primary channel types: the bedrock, cascade, plane-bed, anabranch, anabranch/braided, and pool-riffle. So, pool-riffle, anabranching, and anabranching/braided are, in my mind, those types that are more prone to that rapid erosion and deposition cycles. Does that answer your question?

Brant Oswald: Partially, but I think more what I was asking is, if we recommend that the agencies use some type of scheme, whether or not they're all going to recognize the scheme that we've seen in your work?

Jim Robinson: Yes, I think so. I think we can publish a map that shows the distribution of those channel types, and the various agencies involved in authorizing projects on the river can take advantage of that. I think that's fairly straightforward. The thing that in my mind needs to go beyond this is, what types of considerations do we need to recommend for certain channel types? Do you make recommendations regarding structure types, for certain channel types? Do you recommend different levels of review for certain channel types? That sort of thing. But I think that the whole concept of reviewing the applications by channel type is valid.

Brant Oswald: And I would agree with that. I think that the main point I wanted to make first, as long as we recognize the different reach types as generally as Roy has presented this to us, I don't really have any problem with what I see here. Two comments I would make are: one, and maybe this will be more of a reality check for me in just sort of trying to see where we sit at this point in the whole process, but one of the things it seems to me is that this brings us back to the whole concept of how the river is actually working. One concern that I tried to voice at the last couple of meetings is, it seems to me one application of this idea of managing by reach type is that we could agree that some reach types that aren't prone to much change (that are very, very stable), we could probably recognize that there won't be much need for permitting, and that you might make that more stringent, perhaps under the SAMP. But at the same time, it seems to me that the environmental community recognizes that the places where landowners are more likely to be worried about the migration of the river channel, are exactly those same reaches where that channel migration might be most important to maintain habitat on the river. Again, it's written generally enough right now that I don't see that issue. Maybe, John, before you take over the discussion, I'd like to see us get into tonight—and again this is sort of a gut-check for all of us—is to look at this idea that if we're talking about these geomorphological processes—one of the things that I just pose is, I'd love to get some feedback from the rest of the Task Force—is whether we're prepared to, at least at some level, allow those geomorphological processes to continue. Is that one of our goals on how we go about making further recommendations, whether some of these natural systems are something that that's a goal that we're all after?

John Bailey: Would you define that better?

Brant Oswald: Well, now I'm not sure that I'm prepared to do that. One of the things that we've come back to time-and-again in some of the research, and some of the issues that we've discussed tonight, are things that we don't want to do. We don't want to cut-off side channels from the main channel, we want to let the flood plain operate. And I recognize that that's where we need to start balancing individual property rights. I'd love to get some feedback and have some discussion on the balance that we're trying

to create as a Task Force; we're trying to look at the big picture, but an individual landowner who's considering some stabilization project is looking at it on a site-specific basis. Even in the way that we phrased our first recommendation (in the last clause there), "including methods that complement the natural system," which to me implies the big picture; and "methods that might be appropriate for specific individual situations," we're back at site-specific stuff that an individual landowner might be concerned with. It seems to me that is what Andy was trying to get at with the way he phrased his recommendation. But again, what I'm asking is to get some feedback on whether we're going to be willing to make recommendations that will allow us to maintain some of those natural processes.

John Bailey: Proposal?

Brant Oswald: I will; that is one thing that will happen. But before I start making proposals, I'm asking to get some discussion from other members of the Task Force.

Andy Dana: Can I go back to Roy's proposal for a minute? I'm going to bail out Allan Steinle again; just remember this Allan. I think that the Corps tries to draw a pretty clear line between making management decisions and making permitting decisions. And the way I read this, it suggests that the agencies are making management decisions on the river, and I would think that Allan would contend that the landowners who are seeking permits are managing the river, and the agencies are permitting. So, I see that as a potential problem with this proposal. I'm not sure that we want to recommend or imply a recommendation with the agencies, again, asserting substantially more management.

John Bailey: Is the SAMP process a management action?

Andy Dana: It's a permitting regime.

Allan Steinle: I don't know. I know we did talk about that several meetings ago. I guess my point at the time was that projects are proposed by landowners or government agencies, the county or city, and not by the regulatory agencies. So, the project impetus comes from the party making the decision to do something out on the river, and that's not the regulatory agencies. There are decisions, I think it's fair to say, where we do play a management role; and I think we're going to get buried in semantics here, if we try to make too fine a distinction on that. Actually, Andy, I quite appreciate somebody remembering something I said, but I wouldn't chose to make a big issue out of this.

Andy Dana: I just propose to Roy whether he would consider striking the word "management" in the first clause there?

Roy Aserlind: No problem at all.

John Bailey: Well, I was going to ask that we strike "agency," not "management." I think many people are thinking in terms of management, the county may be able to talk about management; management seems to be a word that is process. University researchers, I think they're thinking in terms of management, so I would say the word "agency" was going to hang us.

Andy Dana: Strike both of them.

Roy Aserlind: I have no problem with striking those words. I just reiterate the fact that, somewhere along the line, someone makes a decision—yes or no, go/don't go—and ideally, that decision is made on data. And the more data points they have for that decision-making process, the better will be the decision. I'm just proposing this as another set of data.

Tom Olliff: I'm having trouble determining what kind of permitting or management decision will be made based on the geomorphic reach type. Earlier, when Chuck Dalby was talking about this, I could see a correlation between reach type and the number of bank stabilization type of projects, because I think there are certain miles of the river you can throw out for bank stabilization, but then what type of decisions?   It's very unlikely that you'll have a bank stabilization project in that type; it doesn't erode. So

on the three or four types that are going to erode, I don't know what kind of different management or permitting you're going to do because of geomorphic type.

John Bailey: My sense is that this recommendation goes to the heart of the SAMP process. I think the outcome of the SAMP is to come up with a project that works. And I think what we see in the Yellowstone is that if you have a project for the anabranch, you don't want the same project in an entrenched. So that it starts setting things up; the SAMP could then look to reach types for answers, also any further research. Our research is done. In a sense we have been trying to do most of the 80 miles. In the future, people who want to get data on this might say, 'Well, there's a problem, it's in anabranching, so we will research in anabranching.' Everyone knows going in that's what the research is on; they don't try to make other things fit.

Tom Olliff: So, back in Andy Dana's Recommendation #1, maybe we need to have the different information cross-referenced by geomorphic reach type.

John Bailey: If we pass this, then I would think that would be done. Other comments from the Task Force?

Jerry O'Hair: Yes, I guess my question is, how much consideration do you give this, over other considerations? Is this just one of the considerations that you take into account?

Roy Aserlind: I would say this should just be one of many considerations taken into account. And, I hate to get ahead of myself but I'm going to, I've been reading the Constitution of the United States, and the Constitution of the State of Montana, and both of them are rather emphatic on the preservation of personal property. I think these will be in recommendations coming down the road in the future. Do I make myself clear?

Jerry O'Hair: No.

Roy Aserlind: You asked if this will be the only consideration? There will be this consideration, and every other single piece of data that we have amassed here in the past couple of years should be grist for the decision mill. And also, in that, will be that element of preservation of personal property. We have got to look at the very extensive socio-economic studies. And the socio-economic studies have stressed the critical components and economic value of the Yellowstone River, which includes the ranching and the other aspects. But yet, to specifically answer your question, that should just be one data point, or two, no more.

Andy Dana: I think I'd like to follow up on a similar concern to Brant's, at least the one he stressed initially. I'm a little bit uncomfortable locking us into the reach types that have been developed throughout our research here. Because as Jim Robinson said, "Chuck Dalby cooked those up," taking them from the literature; but they are essentially functional definitions that he used for his study, for this particular study. I guess what I'd like to see is that last clause, or that last phrase, simplified to "given to the geomorphology of the river" instead of "geomorphological reach type structures". You might lose a little detail if you change it to just "geomorphology." It also, I think, gives a little bit more flexibility, so that if the scientific community isn't using them in 10 years, we're not locked into reach types that we developed today.

Roy Aserlind: I have no problem with that. I could ask Jim a question here. Much of the work that you and Chuck did was based on the work of Buffington. Now, how specific does Buffington get into delineation, description of these reach types?

Jim Robinson: Very specific. But like I said, Montgomery/Buffington developed that channel classification system, like was mentioned in the report, for streams in the Pacific Northwest and those kinds of reach and channel types. Chuck modified that Montgomery/Buffington classification system to tailor it to the types of channels that were being encountered along the upper Yellowstone River. So, it's a customized classification system. And keep in mind that the six basic channel types that we just talked about are the broad categories; below that, there are a number of other hierarchies that define it even more, based on the dimensional characteristics of the channel: the slope, the channel geometry, and

cross-sectional dimensions. All those kinds of things that they learned about in the last 50 years that dictate the behavior of the channel reach. Does that answer your question?

Roy Aserlind: Yes, well, just to repeat myself, I would think of this and I could even be happy with those six basic channel types as this data point.

Jim Robinson: Yes, I think that would make it easy to use, having that handful of basic channel types, because in those, those apply the basic behavioral characteristics. Once you go down below that it starts to split hairs that really only geomorphologists are interested in.

John Bailey: One of the things I thought, listening to all this, is that someone could make a recommendation about the reach types, giving some definition. We can make many recommendations, and when we finally get to the end, we will have to put them together. If there was a recommendation about the reach types, tied to a map or something. Maybe there is some way to further define in the future; the map gets into that.

Andy Dana: The only point I was trying to make is that the Montgomery/Buffington regime is the state-of-the-art right now. Yet there might be a study that comes out tomorrow that changes these channel types, that the state-of-the-science moves beyond what we've found today. So I was just trying to generalize this recommendation to make it somewhat more generic; but I guess I don't feel too strongly about that.

Roy Aserlind: Well, I'd have no problem with that.

John Bailey: I'd like to open up to the public if anybody has comments on what we're talking about.

Scott Bosse: Maybe a compromise would be: in that third to last line, you get into the geomorphology of that particular river reach. It probably recognizes Andy's concerns about the reach type structures and Roy's concern about being a little bit more specific.

Roy Aserlind: Sounds good, I'm easy.

Jim Barrett: I've got a good shot at this thing right here and I guess the question for Roy is, is whoever is giving this consideration already giving this consideration based on the type of structure that would work in a different reach, or is there equitable deference being made, paid to a certain function that needs to be maintained? So I could read that a couple different ways: it's either we've got 10 different types of bank stabilization, look at the geomorphology, and then we're going to put harder rock here, and whatever. That might be clarified somehow to say that, clarify whether this is the type of structure that's going to be used, that's going to work with a certain amount of water pressure, or it's a structure that's going to be used, that's going to be able to maintain a particular function.

Roy Aserlind: I myself, in view of this recommendation, would have no problem with that, and I think the best cop out I could make is Recommendation #1, that Recommendation #1, the creation of a clearinghouse, may address itself to some of the points that you have just raised. They're good points, but again, in a sense I'm dealing with the law of parsimony here too.

John Bailey: Any further comments?

Laurence Siroky: I like the suggestion earlier of modifying the language there for future agency management. In thinking about it, it give the applicant much more latitude, it's broader. I've talked about the smarter application in previous meetings, and I think a lot of times the applicant has the wider latitude on picking alternatives that might work better. Where an agency would be looking at a permit application and it has only limited criteria on which to review that application. Consideration of different points and impacts to the river should be made at the applicant level, and probably that's as important as an agency decision I think; and in fact, there's more latitude there.

Andy Dana: I think if we strike, as John and I were suggesting, "agency" and "management", that the recommendation would apply to everyone.

Roy Aserlind: Sounds good.

John Bailey: Are you amending your recommendation?

Roy Aserlind: Yes, I would amend it, and also, I can't remember the exact wording of Scott Bosse's comment, which changed the context of the geomorphological structure, but he talked about the geomorphology.

Scott Bosse: "on that particular river reach"…

Roy Aserlind: Yes, I would think that would be a reasonable change.

Kelly Wade: What do I do at the end of it? How do you want that to read?

Roy Aserlind: Well, let's see, "particular…reach", type of the river. And it would have to be "its" in place of "their".

Andy Dana: I guess I suggest actually "the geomorphology of particular river reaches and their…"

Kelly Wade: Are you going to go back to "their"?

Roy Aserlind: Yes, and it's different, I suppose knock the "s" off "characteristics" too. Oh, are you going to leave the "its" in there?

Kelly Wade: Now it's "reaches" so it would have to be plural.

Andy Dana: "…reaches and their different…"

Roy Aserlind: Yes, okay.

> #2 Recommendation by Roy Aserlind
> "The Task Force recommends that future ~~agency management~~ decisions concerning, for example: bank stabilization, permitting, and siting, be made only after thorough consideration has been given to the geomorphology~~ical~~ of particular river reaches ~~structures of the river~~ and their different inherent characteristics."

John Bailey: Is there any further discussion? Otherwise we're going to move to Step 2 on this recommendation.

Brant Oswald: I guess maybe to come back to the comments that Jim Barrett was making a minute ago, the only thing I guess that seems to be implied in the way that it reads right now is the "…concerning, for example…" all of the "for examples" are, it's implied that we're going to put in structures. And it seems to me that, at least our discussion here has been that we need, in any of these decisions that we make, that we need to take into account different river reaches. The "for examples" make me a little bit nervous, that they all indicate the need for those structures.

John Bailey: Can we add "studies" to examples?

Brant Oswald: Or could we just strike the "…concerning, for example, bank stabilization, permitting and siting…," "…that future decisions be made only after thorough consideration…"?

John Bailey: Comments?

Kelly Wade: Are you amending it, Roy?

Roy Aserlind: If that is the pleasure of the group, yes.

#2 Recommendation by Roy Aserlind
"The Task Force recommends that future ~~agency management~~ decisions ~~concerning, for example: bank stabilization, permitting, and siting,~~ be made only after thorough consideration has been given to the geomorphology~~ical~~ of particular river reaches ~~structures of the river~~ and their different inherent characteristics."

John Bailey: Any further discussion? Okay, then we're going to move into Step 2. I will read the recommendation, Recommendation #2: "The Task Force recommends that future decisions be made only after thorough consideration has been given to the geomorphology of particular river reaches and their different inherent characteristics."

Any final concerns or questions related to this recommendation? Does anybody have a problem with this recommendation? If not, we will have reached consensus. I see no problems out here, so we've reached consensus on Recommendation #2.

> **Recommendation #2:   Reached Consensus**
> **"The Task Force recommends that future decisions be made only after thorough consideration has been given to the geomorphology of particular river reaches and their different inherent characteristics."**

John Bailey: Thank you. Now we'll move back to general discussion on bank stabilization. Jerry, I was looking at bank stabilization and one of your past comments was "make bank stabilization more appropriate." With the rest of those studies coming in, did you see anything that we could maybe form a recommendation around that kind of an idea?

Jerry O'Hair: Well, I guess in answer to your question, John, I don't think there was a study made on the types of bank stabilization, on what works, what doesn't work. As far as what's done, I don't think there was a study, that I'm aware of, that looks that direction.

John Bailey: So, should we recommend a study? Doug, you talked about, if somebody can show you how to do it better.

Doug Ensign: Yes, I'd like to make a recommendation in that regard; I just don't want to have to try and articulate it. Roy, would you make a recommendation about this? I don't want to recommend anything; I saw the way you got hammered. To articulate a recommendation, recommend that further study, or that studies be developed which would indicate what types of structures work best within the section we'd use.

John Bailey: Tell Roy what to say, we'll redo it.

Doug Ensign: …what types of bank stabilization methods work best within which reaches. Or do I have to defend it?

#3 Recommendation by Doug Ensign
"That studies be developed which would indicate what types of bank stabilization structures would work best to achieve particular goals, and what type of bank stabilization methods work best to achieve those goals within different geomorphic reaches of the upper Yellowstone River."

John Bailey: Well, we'll have some discussion about the topic. Any discussion?

Jerry O'Hair: Well, I guess what I was thinking on that particular thing. There's been some criticism on some of the bank stabilization methods that have been used and there's been some methods used that didn't work, and so it would help some of the criticism to look over certain methods. I just thought maybe there might be a study made to look at what types of structures would work, and yet address some of the criticism that has been leveled against bank stabilization methods.

Doug Ensign: An additional thought might be to refer back to Jim's point about the other recommendation, that these structures would consider which methods work best, but then also, which ones work best as far as maintaining the function of the river.

Andy Dana: I think that's a useful type of clarification because you're defining what the word "best" means, because without that sort of definition, you could say that riprap works best to hold the bank in place, or levees work best to protect the area behind it, and so just leaving it open to what works best in this type of recommendation is hard to get your arms around.

Doug Ensign: I guess I'd like to consider both of those. Maybe that's too vague.

Roy Aserlind: Who knows? Maybe we ought to talk, maybe we'll find out that car bodies are the best technique…just kidding.

Andy Dana: I'd say that maybe the way to address that is to add "a study be developed which would indicate what types of structures would work best for particular goals." And I guess add "…and what type of bank stabilization methods work best to achieve those goals, within different reaches." And then, up above, changing Doug's original…and then up there "would work best to achieve particular goals." Maybe there's too many "achieves" in there.

Doug Ensign: It seems redundant, I'm not sure if we need the first part in that. You could say, "does do…" "Studies be developed which would indicate what type of bank stabilization methods work best to achieve those goals within different reaches." So, we can delete…no don't delete that.

John Bailey: Doug, is a dike a bank stabilization structure?

Doug Ensign: No.

John Bailey: Then it's eliminated from this, correct?

Doug Ensign: Yes.

Kelly Wade: Say it again how you want it.

Doug Ensign: "Studies be developed which would indicate…," could you mark out "…what types of bank stabilization structures would work best to achieve particular goals."

Brant Oswald: I think to address some of the concerns that Jim Barrett and I had, if we eliminate the word "structures" in the first clause, even if we repeat "methods", not every bank stabilization method may involve a structure.

Doug Ensign: Would "efforts" work okay?

Brant Oswald: I don't care what noun you use there. But it seems to me that, again, just so that we don't assume that stabilization requires a structure. And then the second clause gets to the fact of looking at each different reach.

Doug Ensign: Delete "structures".

Andy Dana: Would it work to just say, after the first "particular goals", strike everything until you have the last three words "within different reaches?"

Doug Ensign: Yes, one or the other needs to be stricken because I think it is redundant, so that would be fine to strike that.

#3 Recommendation by Doug Ensign
"That studies be developed which would indicate what types of bank stabilization ~~structures~~ would work best to achieve particular goals~~, and what type of bank stabilization methods work best to achieve those goals~~ within different geomorphic reaches of the upper Yellowstone River."

Laurence Siroky: The Corps has been doing studies on types of bank stabilization for many years now. So I would think you'd want to direct it toward structures on the upper Yellowstone.

John Bailey: Are you saying to our reach that we're studying?

Laurence Siroky: Yes, I think somebody, Jerry and others, have stressed here that the upper Yellowstone has its own characteristics, in terms of what stabilizations work and what don't work, on different rivers and different streams. So if what you're saying here is to do a study, you want to be sure those kinds of studies are done on the characteristics that are particular to the upper Yellowstone.

John Bailey: I guess the other question I have is, is that inherent with our title?

Laurence Siroky: Not necessarily.

John Bailey: Because we are the Upper Yellowstone River Task Force, we were given the task of looking at the upper 80 miles. I'm just wondering if we need to add that, because it seems that it's there with our title and our trust.

Doug Ensign: If it achieves greater acceptance, I'll put "of the upper Yellowstone" at the end of it.

John Bailey: Would "in Park County" be clearer than "the upper Yellowstone?" Is "the upper Yellowstone" from the Clark's Fork up?

Doug Ensign: Okay, "different reaches of the upper Yellowstone River in Park County".

Andy Dana: I don't think we need to make it that generic.

Doug Ensign: So, how do we define the upper Yellowstone? We use that terminology all the time.

Andy Dana: I wouldn't want to reject a study that comes from Big Timber.

John Bailey: Any further discussion from the Task Force and the public?

Allan Steinle: I think some other factors that go into making decisions on what type of bank stabilization is appropriate—and that you might want to include in the study—are: what different strategies cost, and also the fact that there is a tolerance in the equation, along with what resource issues or considerations a particular project might have. All those things go into picking an appropriate approach for bank stabilization, or to what type of bank stabilization a person would pursue. But actually, again, I think a lot of this information is probably available on a generic basis in the literature. There's an awful lot of this kind of information out there, but I think a lot of it could be incorporated into Recommendation #1, and maybe what the group is after in this case, might be some kind of demonstration project, or different applications that haven't been made on the river, or not. Then you try to picture how this will get carried out. Once the Governor gets this recommendation, what is she going to do with it?

George Jordan: In that last sentence, between the words "different" and "reaches", toss in the word geomorphic; it kind of brings it back and ties into the one before it.

Doug Ensign: Say that again.

George Jordan: After the strikeout, it would say "within different geomorphic reaches of the upper Yellowstone River, and that helps tie it to the previous one.

Doug Ensign: Sounds good. To address Allan's idea, would it be appropriate to make these studies available through our clearinghouse idea in Recommendation #1? How to say that, I don't know?

Andy Dana: I think that that would just sort of happen. I think that is the point of #1. I don't know that we need to have it cross-referenced here. My thought about Allan's comment is that I don't disagree at all with what he says about all the variables that go into what is an appropriate or inappropriate bank stabilization structure. But I think if we just make a generic recommendation, or a broad recommendation, that studies be developed, those are going to be components of the studies inevitably, and I'm not sure we need to, or want to, go into that great depth with our recommendations. I don't really have an objection to what you're saying, I just wonder whether we'd get really bogged down trying to define what the studies should be at this scale.

Doug Ensign: That term "particular goals" I think is a very broad way to bring in an awful lot of those ideas, whether it be maintaining function of the river or just preventing any flooding from happening or whatever it happens to be. You can include a lot of those ideas under "particular goals," I think.

John Bailey: Well, I think one of the things we want to remember is, I've always assumed we may have some conflicting, overlapping recommendations. When we get to Step 3, then we're going to resolve those. Some of these recommendations, especially Recommendation #2, now that we have agreed we're going to use the reach types, that allows some of us thinking of recommendations to propose them with a sense of reach type. So, I think we may have building blocks in all of these. I have a recommendation I've been thinking about for some time that is very specific about asking one certain agency to do a study on structures.
Other comments? If not, we'll move to Step 2. I'll read the recommendation, Recommendation #3: "That studies be developed which would indicate what types of bank stabilization would work best to achieve particular goals within different geomorphic reaches of the upper Yellowstone River."

Any final concerns or questions related to this recommendation?

Andy Dana: Not related to this recommendation per se, but I think it would be worthwhile to have each recommendation a recommendation of the full Task Force, and not associated with the specific member who proposed it. Our names should be removed; these are now Task Force recommendations.

 (Tape ran out; we did not get these next few comments recorded for the record.)

John Bailey: By our rules…

Doug Ensign: If this is going to be…

John Bailey: Right now we are in Step 2…

Doug Ensign: No…

John Bailey: Any final concerns or questions related to this recommendation? Does anybody have a problem with this recommendation? If not, we will have reached consensus. I see no problems out here, so we've reached consensus on Recommendation #3.

> ### Recommendation #3:   Reached Consensus
> **"That studies be developed which would indicate what types of bank stabilization would work best to achieve particular goals within different geomorphic reaches of the upper Yellowstone River."**

John Bailey: Does anybody have other issues about bank stabilization they'd like to bring up? Brant, one of your recommendations is that you'd like the USGS to add additional scenarios to their modeling runs. Do you still feel that way?

Brant: If I remember the context of that discussion, I think within whatever budget considerations we had to meet, yes, I think the more modeling that we get the better. It seems to me, reading back through some of

those same comments from some of those same meetings, other people were saying the same thing, that as much modeling that we can get from the studies will be useful in the future.

John Bailey: You don't think we need a recommendation, or do you?

Brant Oswald: If you give me a few minutes, I could probably draft a preliminary one for discussion.

John Bailey: Well, let me throw out an idea I've had. I have thought that someone should be studying structures that exist on the Yellowstone. A lot have been put in since 1996. We saw what USGS-BRD [Biological Resources Division] did, some of the things that they had, and it seems to me that we could ask USGS, which BRD is part of, to do an ongoing study of how the various structures perform in the Yellowstone. It may take 25 years, there's a lot of knowledge of what went in, so I think someone could get that. They may not have to look at every year. Some perform differently in high water and low water; but perhaps they could say what works. No one ever goes out and looks at all of these structures over a period of time, so no one knows the answers. Somebody needs to go look at these and show how they are performing. Not necessarily come and say, "you can't do this, you can't do that," but I think knowledge allows people to do a better job. This is what I've been thinking about. I have not actually tried to put it into words yet. I was somewhat interested in what we would do with the reach concept, which we agreed to tonight, which I think helps set this up. I think we'd let somebody like the USGS that is able to do this work; there's some reaches where there's much more going on, to put more study in those areas and time, than in maybe the entrenched reaches. All the studies take money, and I think we've now given people a structure, a hierarchy to work within. It's an idea I've had, as I say, and I'm not ready to put it into words tonight, but I'd be interested in any comments people have about that.

Doug Ensign: Allan, if I understood you correctly a few minutes ago, you were talking about a system or a program for demonstrations? Would that address what John's talking about here?

Allan Steinle: I guess I wasn't sure what you meant there by "studies." If you meant research library projects, or if you meant projects on the ground. And I was kind of assuming you meant the latter, so I suggested demonstration projects. If you're asking if the Corps has a program or a method for that, I'm not aware of any. I could look into it; but of course, there'd be other entities that could do that as well. And if I understand John correctly, he's saying "let's look at what we have on the river now and track it over a long period of time and see how they perform;" which I think is different than what I was talking about.

Andy Dana: John, I sort of want you to put it in writing. You made Doug do it.

John Bailey: Well, I'm going to do that, but I wasn't quite ready tonight. I wanted to see how certain pieces fell. There's so many various things that nobody looks at over time. Landowners try to do something, and at least we have maps now showing structures, when a landowner does something, we can look at a map and say, "Oh, there's a lot going on just above or below me, and maybe that's an influence." I just watch projects go in, some wash out, and you just hear people begging, "How can we do it, and what's right?" I don't know that we'll ever know what's right on the Yellowstone, because I think what Chuck Dalby showed was that things hold together very much until we have a 100-year flood. I think we saw in 1997 that the duration was so long, that we had problems that we hadn't really seen before. Which brings up another concept: if we're making recommendations, what kind of scope do we use? It seems to me that the data has shown that in the studies from the 1948 photos to present, we haven't seen any great change; but, as it's been brought up, a lot of structures went-in in 1996 and 1997. Well, what scope do we use? If we say, "Okay, we need to go out and look at things every 25 years, 100 years?" I don't know what the scope is. I think it will be longer than we live; I'm not sure. We may need to make some kind of recommendation about scope. Maybe that's one we have to send back to the Technical Advisory Committee. Comments?

George Jordan: I might not really understand completely, but when I read Recommendation #3, I think evaluation of historical structures, to evaluate which ones work best, that that could maybe be more of a study task, or one of the outlined studies under Recommendation #3. I don't know, does that make sense?

John Bailey: I don't disagree. Recommendation #3 is broad.

George Jordan: Right.

John Bailey: I'm talking about specifics.

George Jordan: So, is there the ability to make subpart a and b for some of your recommendations like, if there are specific ones that come out?

John Bailey: George, our structure is that we make a recommendation. Only when we get to Step 3, where we have a whole bunch of recommendations, can we propose modification, amendments, or deletion. I've always assumed we're going to have somewhat conflicting recommendations, and then, when we get to the final, which is sort of a big picture concept, we then have to put it back together.

George Jordan: Okay, I guess I was thinking that you were putting 1, 2, and 3 for each one of these recommendations as you went.

John Bailey: I understand, but hopefully we have several of these issues, so if we can get through enough recommendations we may have some meetings just brainstorming over a broad view, and we may get a recommendation, then we have to put it together.

George Jordan: Okay.

John Bailey: So, I agree with you. We're having a discussion here, is there any more discussion, public or Task Force? Do people want to move on to Permitting?

Laurence Siroky: I guess before you move on here, maybe we should address cumulative effects, which is something that's been on our agenda for a long time. Should we be saying something about cumulative effects in bank stabilization, in this phase? At this point, that seems to be something that really stands out.

Scott Bosse: I just want to ask if this is going to be the only time to make initial recommendations regarding bank stabilization, or is there a later date when recommendations can come up?

John Bailey: I would accept recommendations at any time. My assumption is that at some meetings there's going to be discussion, and people will go home and put things down in words. No, we're not going to stop topics from being brought back up; because I'm hoping to actually have some meetings down the road where we can talk in a broad sense. But we've always said we were going to go through these topic-by-topic at the beginning.

Scott Bosse: Let me ask one more thing. Is the public allowed to bring up a topic regarding bank stabilization that the Task Force can then accept it to discuss or not?

John Bailey: In the general discussion [Step 1], yes.

Scott Bosse: Is this the general discussion?

John Bailey: Yes.

Scott Bosse: I was just going to offer a topic to follow up on Jerry's concerns, which are: are there ways to make bank stabilization kind of more appropriate or more benign? A couple things I came up with, and again I can't make recommendations, but these are topics you might want to take up. Require that all new riprap or bank stabilization be constructed with native materials—in other words, rock, not cars or concrete. That's just one. And the other one I'm going to throw out is to require that all new bank stabilization be planted with native vegetation whenever feasible. Those are more mitigation measures than anything else, but it's something you might want to discuss.

Jim Barrett: This alludes to what Laurence Siroky was saying about the cumulative impacts analysis, and also, what Roy Aserlind has presented, and Chuck Dalby. The way that I interpreted, or understood that, when he talked about this being a relatively stable system, I interpreted that to mean that it pretty much stays within

a certain profile, if you will. It works around, goes back and forth, but to me that says that that limits, that's a limited system, especially when you consider the incremental confinement of a limited system. So, cumulatively, if we've got a relatively stable system that has, at least over 50 years, not demonstrated a lot of across the valley stuff, it seems to me that that needs to be a consideration in any cumulative impacts analysis. Maybe I've said enough. Am I making sense? It just seems to me that the biggest, the most compelling thing that's come out of these scientific studies is the geomorphic stuff. And that basically determines what kind of riparian areas are going to be and where they're going to be and everything else. But incremental stabilization over time, it's going to be really stable then, and it's going to be so stable that it's destroyed a lot of those natural processes. Just some thoughts.

Lionel Dicharry: My comment has to do with Laurence's suggestion about further investigation of cumulative effects. I would ask the question, Laurence, are you talking about cumulative effects as regards the kind of continuing investigation and inspection that John brought up earlier, or are you talking about cumulative effects in terms of a modeling scheme that would say "this probably won't work" in terms of cumulative effects if you put this bank stabilization function in?

Laurence Siroky: Well, I haven't thought thoroughly about it, but it seems that you'd want to look at the cumulative effects in both of those areas. You'd also want agencies to look at cumulative effects, not only look at the application that's before them, but what's the additional effect that permit might have on permits already granted. I think there are a lot of areas where you could look at cumulative effects, at least those two you are talking about.

Allan Steinle: I'm sure a lot of you remember Mike Gilbert who was here a few of these meetings. Mike is in negotiations right now with the USGS Biological Resources Division out of Fort Collins to undertake a cumulative impacts study, incorporating the work that has been done through the Task Force on the upper Yellowstone. They'll do a thing on human-induced changes along the corridor, determining what the cumulative impacts and those changes have been.

Brant Oswald: Maybe to take up one of the topics that Scott Bosse brought up a minute ago. One of the things that certainly makes sense, is his suggestion, and I would certainly be willing to draft this as a recommendation, but maybe before we proceed with that, the idea of using native materials as opposed to car bodies and other things. Is there already a protocol with the permitting agencies? Would those be naturally rejected now? I'm just wondering if that needs to be a recommendation.

Allan Steinle: Car bodies are out. No car bodies. We do allow in certain parts of the state the use of concrete, especially if, for no other reason than it's harder to get a hold of good material, good rock material, native rock, and even if the native rock that's available is of questionable value for bank stabilization. I think in an area like Park County, where there is plenty of native material available, I don't see much of a justification for using concrete.

Andy Dana: I guess one concern that I would have is, I'm not familiar with the details, but my understanding is that there are new technologies being developed, which use concrete forms and other structures that you can put in the river on a temporary basis to do bank stabilization, and then remove them; and so I would hate to see those types of new technologies eliminated from consideration.

Scott Bosse: Andy, I know that technology is being used for diversions now. As a matter of fact, I think DNRC has a grant program for that sort of thing. I'm not aware that exists for bank stabilization.

Laurence Siroky: It does.

Scott Bosse: It does? I was going to say that you could put a provision in that recommendation "except for temporary structures" and then maybe specify a little bit more; or just say, "permanent bank stabilization needs to be constructed out of native materials."

John Bailey: Any further comments on bank stabilization? If not, we'll move into permitting. Comments on Permitting?

Andy Dana: Allan Steinle and Laurence Siroky, maybe you can answer this. I've not applied for a permit for six years. My understanding is that there's been some effort to try to streamline the permitting process, currently, like a one-size-fits-all application. Is that correct?

Laurence Siroky: Yes, that's correct. The application is the same. Depending on the specific conservation district, the 310 Conservation District application, the County permit application, and the 404 permit are all on the same application form. All that information is filled out once, and then that form goes to all of the different agencies.

Andy Dana: Are there any permitting agencies that are not included, that you're aware of, in that system?

Laurence Siroky: No, our DNRC map of the rivers is part of that also.

Jim Robinson: What about the DEQ exemption for various turbidity related to construction activities, that's also on there.

Andy Dana: I guess I could propose a recommendation that the streamlined permit application process be continued among local, state, and federal permitting agencies. That's really going out on a limb, isn't it? I'd say,

>   #4 Recommendation by Andy Dana
>   "That the existing streamlined permit application process be continued among local, state and
>   federal permitting agencies."

Roy Aserlind: A point of clarification to Laurence, do you have to have concurrence among all the different agencies, would two out of three do it, or what?

Laurence Siroky: My understanding is that it is up to the individual permitting agencies, because each county has their own permitting ordinances and agencies, and each Conservation District. I don't know the exact percentage, but not all of the counties along the Yellowstone participate in that joint application process, nor do all of the conservation districts. It's on a case-by-case basis, and they really make that decision, we don't.

Roy Aserlind: Okay, and they are the prime decision-maker then, the local agency? It doesn't go through the state or federal hands?

Laurence Siroky: Well, I guess what I'm saying is that there has to be a consensus among those permitting agencies to use a common application.

Roy Aserlind: Okay, you've got a common application.

Laurence Siroky: Let me clarify just a little bit more. That common application was developed with the Corps sitting down, and our agency sitting down, and county representatives and conservation district representatives sitting down, and identifying what they needed in that application. In some cases, the county or the conservation districts, want more information, and so they have chosen not to adopt the common application.

Roy Aserlind: Okay. Then one of those three agencies that you mentioned could not turn the whole thing down?

Laurence Siroky: Yes, one agency could. You could get the Corps and the conservation district to agree to make use of a common application, and the county may not. I haven't seen a case like that, it's been either all or nothing.

Liz Galli-Noble: Just a point of clarification. The Park Conservation District will go through a process of giving a permit, and they might contact, or encourage that landowner to contact, another permitting agency; but the district doesn't typically follow up on it. It's up to that other agency to accept or deny that permit. The conservation district doesn't vote because of some other agency's decision, they will either accept or deny the permit on their own accord, based on their own authority, only.

John Bailey: Comments?

Jim Barrett: I was just looking at "streamlined" and I thought maybe "coordinated" might be a better word.

Andy Dana: Sure, that's fine.

John Bailey: Any other comments?

Jerry O'Hair: In a way, I particularly like this because I remember back in 1996 and 1997 having to go through the permitting process, it was a very frustrating process and after they've gone on with this, it's a much easier process to at least get your application in and get it presented to the permitting agencies.

John Bailey: You've used this new one? Any other comments?

Laurence Siroky: "Coordinated" seems a little, gets us, I had a word just a minute ago but I lost it. Something along the line of a "uniform" or a, give me a thought and I'll come back. "Universal", that was kind of what I was, something like that, a universal permit.

John Bailey: Universal seems like you all want the same permit.

Laurence Siroky: You want all the same application, I guess.

John Bailey: Which is "coordinated."

Allan Steinle: Actually, I hate to get into these little word arguments, but I think "streamlined" would be a better word, because that's what the process actually does, it allows the applicant to present the same information to all the agencies on the same form. But as far as actual coordination, we might coordinate with the conservation district, or other agencies, on a case-by-case basis, to resolve particular issues, or if it's a controversial project, but we certainly don't coordinate with everybody on everything.

Andy Dana: I'll suggest some changes. I'd like to go back to "streamlined," and then delete "coordinated" but add "uniform permit application process."

> #4 Recommendation by Andy Dana
> "That the existing streamlined ~~coordinated~~ uniform permit ~~ting~~ application process be continued among local, state, and federal permitting agencies."

John Bailey: Further discussion? If not, we'll move to Step 2 and I'll read the recommendation: Recommendation #4,"That existing streamlined uniform permit application process be continued among the local, state and federal permitting agencies."

Any final concerns or questions related to this recommendation? I'm not hearing any. Is everyone comfortable with this? Hearing no opposition, Recommendation #4 reaches consensus.

> **Recommendation #4:   Reached Consensus**
> **"That existing streamlined uniform permit application process be continued among the local, state, and federal permitting agencies."**

We're back into Step 1, and we're still on the Permitting topic. Is there any other discussion on Permitting? I've noticed that a lot of our comments deal with reaches and we've made a recommendation on reaches. Anything else on Permitting? We can always come back to it.

Andy Dana: I'm thinking about one. To address the problem of permitted structures that exist, but that really don't serve any constructive purpose any longer—maybe they've broken down, maybe the river has moved away, maybe there's a better technology. Just thinking about a way that we might be able to develop a program to create incentives for landowners to retire those permitted structures that aren't functioning. The problem is, because landowners don't really have any incentive to take them out, they don't have the incentive

to spend the money to do it, and so I was thinking about maybe making a recommendation—and I don't want you to write this down yet—for the establishment of a fund to help landowners, on a voluntary basis, retire permitted structures that no longer serve the function for which they've been permitted.

Allan Steinle: How about any structure, whether it's permitted or not?

Andy Dana: It's just a question of trying to clean up what's there, that may not serve any good anymore.

Brant Oswald: Well Andy, this is one where I think we're in complete agreement. I think we'll come back to this issue. The only reason I want to make a quick comment is that the issue that you bring up, that in a lot of cases landowners don't have the resources to do some of the things that we may deem useful or important, and this is a good recommendation. Providing financial incentives for a variety of things may be an issue that we come back to.

Tom Olliff: I just wonder if you take the word "permit" out, if that doesn't fall under the category of bank stabilization. Whether it matters or not, I don't know?

Andy Dana: I'm not sure I understand what you were asking.

Tom Olliff: Well, we're just talking about permitting now, but that seems like a suggestion that falls more under bank stabilization. Really the permitting is not the issue, it's the bank stabilization, or removal of old structures that no longer serve a function.

Andy Dana: Sure. I'd like to hear what the other landowners have to say.

Doug Ensign: I think it's a good idea, to provide that. I don't see why not. As long as the removal of obsolete structures and so forth would not preclude the placement of something that would be appropriate.

Liz Galli-Noble: May we type up your recommendation on the screen just so people don't forget exactly what you said? If not, that's okay.

Andy Dana: Well, I'll throw it out. I can always block my own.

> #5 Recommendation by Andy Dana
> "Establish a fund or a program to help landowners, <u>ON A VOLUNTARY BASIS</u>, to retire or remove permitted structures that do not function properly or are obsolete."

Jerry O'Hair: I have a question for Andy. Do you have an example of a structure that is obsolete and no longer functioning? I guess I'm not sure exactly where you're at there.

Andy Dana: I can think of, for example, some places on the river that I've seen, not on our ranch, where the river has moved a quarter-of-a-mile away. It may move back, but for the immediate future, it's landlocked a jetty, and it really serves no purpose. It may cause more harm, since it's been broken down, since it was first installed, when the river does get high with a whirlpool behind it. That's an example of something.

Allan Steinle: I have an example, and I think, Joel isn't here tonight, but I believe Joel came up with some money to help the Park County Environmental Council remove some car bodies from the river. So, I think that your, "Corps car body is out, it has to be riprap to make acceptable," that's what Andy's talking about.

Stan Sternberg: When I see the word "structure," I think of bridges, and I don't know if that's what you want or not; 9th Street Bridge, the railroad bridge, others, what I call "structures." But I think the problem is actually more bank stabilization rock that aren't working, but if you want to include bridges…

Doug Ensign: One very good example of an obsolete structure is off of our riverbank. My father-in-law had riprapped the entire length of the ranch at one point, and during the flooding a channel formed in behind it. So now that riprap is anchoring a gravel bar out in the middle of the river. And it's a solid structure; it's not going

to move unless somebody takes it out. And I doubt if any of the agencies would be eager to have that out there, but what it would take to move it, I don't know.

John Bailey: Allan, to remove a structure, let's say the one on Doug's property, you'd have to get another permit, correct?

Allan Steinle: Yes, but that doesn't mean it would be hard to get.

John Bailey: No, I understand. But if it was high and dry, would they need a permit? As he was talking about an abandoned channel, would they need a permit?

Allan Steinle: If it's within the ordinary high-water mark of the channel, or a wetland adjacent to the channel, then it would require a permit.

Laurence Siroky: Andy, what do you mean by "retire?"

Andy Dana: That was when I first jotted this down, I thought about retiring a permit, essentially. That was why that word was in there.

Laurence Siroky: What about reclaiming that area once you remove this structure? If you just simply remove a structure, you're going to have to replant it, or repair it, or do something to take care of the hole or whatever's left there. It would seem to me that you not only remove it, but you reclaim it.

John Bailey: Would that be taken up in the permit?

Allan Steinle: I think we would decide that case-by-case. Like in the example of the projects that Joel Tohtz [FWP] funded for the removal of the car bodies. They were out in the channel, and he didn't require any kind of recommendation for that. I would think if it was a publicly funded program, as the recommendation seems to indicate, that it might be fair game to require some kind of restoration part of the project.

John Bailey: Further comments?

Lionel Dicharry: I was just going to recommend to Andy that instead of saying "fund or program," that, in fact, the recommendation doesn't have legs unless you say a "funded program."

Andy Dana: Thanks for the comment. I'm thinking about that.

Jim Barrett: I just wanted to add to what Allan said. When we went through the streamlined permitting process to take those car bodies out of the river, we wanted to take a lot more of them out. Some of them were embedded in the bank, but there wasn't a funded program that would go that far, or we would have taken those out, and then we would have had to come up with a permit to revegetate that, stabilize those banks, because they would have just let stuff fly.

Scott Bosse: Andy, I agree with this concept wholeheartedly. I think it's a great idea, but I have a couple of suggestions, as usual. One, you could say a "financial incentive or fund" and that way you can establish a tax incentive, a tax credit for instance, for a landowner to remove an existing structure. The other suggestion is that I believe the current Farm Bill has funding for exactly this sort of thing. So maybe you could make the recommendation even more specific and direct the [NRCS] State Conservationist to develop a funding proposal to address these concerns on the upper Yellowstone River.

Andy Dana: I'm concerned about tying it to an existing program.   Because they have their own deep, long, very-long, strings attached, and were really passed for a different purpose than what we're talking about here. But maybe there's some possibility there. I think rather than say "a funded program," as Lionel suggested, I like Scott Bosse's clause to make it more universal by saying "establish financial incentives to help landowners, on a voluntary basis." Another comment about tying it to the Farm Program is these are recommendations to the Governor and she could exercise some persuasive authority within NRCS and the

Farm Programs. I think that's a federal issue, passed by Congress, so I'd like to keep this closer to the upper Yellowstone if I could.

Stan Sternberg: Would you also want to insert the words "and possibly replace," so it reads, "remove and possibly replace structures that no longer function properly or are obsolete"?

Andy Dana: Sure. "To remove structures, and possibly replace…"

Stan Sternberg: "…remove, and possibly replace, structures…"

Andy Dana: "…remove, and possibly replace, structures…," and remove that comma. Thank you.

Jim Barrett: I was just going to say I think that the concept is getting out of control here. Andy had a brilliant idea there, and now it's turning into, we're not only going to remove stuff, help remove stuff off people's property, we're going to help them put more stuff up, and it seems to me that that gets into a permitting issue. If someone wants to reestablish their structures, isn't that a part of the permit, you get a permit to restore things, or to fix them?

Allan Steinle: That's along the lines of what I was going to say. I think if you included replacement—I know we've been working on a pretty general basis tonight—it would seem like you'd want to establish some sideboards for that; or else you're going to, assuming you get public monies, you could be using public monies to help somebody protect their property.

Andy Dana: On the other hand, you could be doing that to help them protect their property in a much better way than they are now, which is certainly a legitimate use of public money.

Brant Oswald: My comment would be that I would strongly encourage us to remove the words "and possibly replace." I think that is a separate issue, it seems to me. The idea of providing financial incentives to remove things that are no longer working, or may be dangerous, navigation hazards, it seems like a great idea, but it does seem like we've got a totally separate issue there.

Andy Dana: Are we still in general discussion?

John Bailey: Yes.

Andy Dana: Then, maybe a way around this is to strike those words and add another proposal, another recommendation, which would be:

> #6 Recommendation by Andy Dana
> "Establish financial incentives to help landowners, on a voluntary basis, to modify or replace structures that no longer function properly or are obsolete with structures that work better."

That last clause I'd delete, wordsmith. And so, if we do that, we would strike "and possibly replace" from the first one. Brant, does that address your concern?

> #5 Recommendation by Andy Dana
> "Establish financial incentives ~~fund or program~~ to help landowners, <u>on a voluntary basis</u>, to ~~retire or~~ remove~~, and possibly replace,~~ structures that no longer function properly or are obsolete."

Brant Oswald: It still seems to me we've raised an entirely different issue, that now we're…

Andy Dana: Right, that's a different recommendation.

Brant Oswald: Right.

John Bailey: We're looking at two distinct recommendations now.

Jim Barrett: I would just like to hear the Task Force discuss why this would be an important goal.

John Bailey: Which one?

Jim Barrett: The second recommendation about replacing people's structures for them. I don't understand why that would be a function that the Task Force would be pursing. But I can be persuaded, probably.

Andy Dana: Okay, for example, there is a permitted structure that is essentially over-built. For example, it is aesthetically ugly; it serves the function for which it was built, but you could do a much smaller, much more aesthetically pleasing bank stabilization structure that achieves the same goal and is more friendly to wildlife or birds or whatever. Then you could create incentives to persuade landowners to replace those ugly old structures that are overbuilt with smaller structures that would be more ecologically friendly.

Doug Ensign: Another example, Jim, might be if you've got an obsolete structure, it may be still functioning but, what if it is creating some negative cumulative effect downstream, or upstream, and so forth? And it would be in the public good to modify the structure in that sense.

Jim Barrett: If I could just reply to that. I appreciate those explanations, and if it would be possible to expand that, as Andy mentioned, "ecological functions," and I guess it goes back to the first point he made, if there's a reason that it shouldn't be there, how are those reasons, if it would be better if it was gone, that seems like it would be, rather than replace it, we could also move it out altogether. It's confusing me with the first recommendation that seems to cover some of that, that no longer functions properly or are obsolete, and then there's other ones where we have this idea of replacing them. I guess I don't want to confuse things here, but…

John Bailey: Two more comments in the back.

George Jordan: On that last one, I see the point, and maybe just the wording would be, "to help landowners modify existing structures that no longer function." The word "obsolete" sort of implies that it doesn't need to be there; so modifying it to make it work better, when it's an obsolete structure, seems kind of contradictory; and then end it with, "structures that are more appropriate for the given geomorphic reach" or something like that.

Scott Bosse: Andy, I was just going to say that I could see an instance when that would apply. Perhaps if you have a large row of car body riprap, and the Task Force decided that they didn't want anymore car bodies there, but they were still needed, the bank stabilization was still needed to protect a structure, but you wanted it to be more appropriate aesthetically, ecologically, what have you. So, maybe you could modify that language to "modify or replace structures that are inappropriate to structures that are more appropriate."

Andy Dana: The word "appropriate" is so subjective that I think we need to get away from that, but that's the idea. I agree with the comment that we probably can dispense with the "obsolete." "Replace structures that no longer function properly." Leave that for a minute, I want to think about it.

Scott Bosse: In my example, the car bodies could function perfectly, but they, I think, may not be in keeping with what the Task Force wants, for aesthetic reasons, or for ecological reasons.

Andy Dana: I'm thinking… there's still another one up there that hasn't been addressed yet.

John Bailey: I would like to go to Step 2 on Recommendation #5. I think we should see if we have consensus on this one before we go any further on the next one. So I'll read #5, Recommendation #5 "Establish financial incentives to help landowners, on a voluntary basis, to remove structures that no longer function properly or are obsolete."

Are there any concerns or questions relating to this recommendation?

Rod Siring: In sitting here reading that, I keep stopping at the "on a voluntary basis." If you're providing an incentive program to the landowner, and it is something that needs to be done, he's taken care of, why would he have to volunteer to do that?

Andy Dana: The intention of those words are not to impel landowners to enroll in this program, so that it is a voluntary program for landowners. And I'm not going to propose to take that out.

Rod Siring: Okay.

John Bailey: Other comments from the Task Force? We're on Recommendation #5. How do people feel about this one? Rod, are you comfortable?

Rod Siring: No, not especially, but I guess it makes sense when I twist the words around.

John Bailey: You're not against it.

Rod Siring: I won't be against it.

John Bailey: With no other objections from the Task Force, we've reached consensus on Recommendation #5.

> **Recommendation #5:   Reached Consensus**
> **"Establish financial incentives to help landowners, on a voluntary basis, to remove structures that no longer function properly or are obsolete."**

Now we'll go back to general discussion on Recommendation #6. You were thinking about it, Andy.

Andy Dana: I'm not there yet. I'm going to be thinking for awhile.

John Bailey: No, that's fine. Any other issues on Permitting?

Jerry O'Hair: Well, I've just been going over these Issues, Comments, and Concerns, Recommendations in regard to Permitting topic, and there's one here that I've been thinking about. I don't know just how to word it, but as a landowner, we need some technical assistance in putting together a permit and design. In other words, we need some assistance in getting the proper design put together and getting it into the permitting process. Some of the projects that I've worked on lately are pretty straightforward, but my people that are doing the design work are almost as expensive as doing the work itself. I really don't think it has to be that complicated.

> #7 Recommendation by Jerry O'Hair
> "Landowners need technical assistance with project design and working through the permit process."

John Bailey: Comments?

Brant Oswald: At least in partial agreement, Jerry, with what you've just said, it seems to me in a lot of the discussions I've had with people, that when a landowner has a perceived problem on his property and needs to go about doing something about it, the people that you generally turn to are people that have a vested interest in making sure that you spend money on the project. And you're saying that's true, certainly in terms of design as well as actually the construction. I'm not sure how we get this in the form of a recommendation, but I think Jerry has raised a good issue. That the technical expertise that a landowner tends to turn to—again from the conservation groups, our concern is that in most cases—the engineer you go to is not likely to say that you really don't need to do anything, or here's a two-minute plan I can make on the back of a napkin that'll solve all your problems for you. It tends to become, at least the tendency is to make it more complicated, and to make sure that there is a project there. I think it is an important issue.

Allan Steinle: I know for agricultural landowners, NRCS is available to help with bank stabilization issues. But they wouldn't be available, I don't think, for property owners within city limits though.

Jerry O'Hair: Well, I sure haven't been able to get any technical assistance in the river projects that I've been involved with. Most of the projects, I can't say all—because I just went through a project on the Park Branch Canal where we had some technical assistance—but in general, they want me to put in a permit application and it's either my own idea or my consultant's. I'm really kind of looking for some sort of technical assistance in project design.

Doug Ensign: I've kind of thought the same thing, Jerry. In fact, I suggested it several times in different ways, that the permitting agencies become involved, an idea that they reject because they are not managing. But I wonder if it wouldn't be worth considering an expanded definition, or another agency within the agency to provide such planning or expertise. I agree completely with Jerry.

Andy Dana: I think it's a double-edged sword. The problem that I see in asking the permitting agencies to provide technical assistance is that they get vested in their projects that they design, and they may not be the best projects for landowners. Is there anybody from NRCS here? I can pick on them, I guess. In some of their technical assistance in the Wetland Reserve Programs and other programs, I've had clients who had asked for that technical assistance, for example, and it was no where near the caliber of some of the technical assistance that's available through private consulting firms. That's a danger, I think, we would create if we— I'm not ruling it out, but—we might create that sort of danger by having the agencies buy into their own projects that they provided technical assistance on, and then ruling out other possibilities. I just throw that out as a concern.

Jim Barrett: It seems to me that there would be a liability issue too. I think because engineers would have to put a stamp on those plans that Jerry wants, and I don't think Allan wants to stamp any of these designs and then have Jerry come back afterwards. I don't have an answer for you, Jerry, but I think there's a legal issue.

John Bailey: Jerry, what you're talking about is one of the reasons, it seems to me, that we need a non-permitting group, like the USGS, to start looking at how things function. Because I think the problem for anyone making recommendations is that no one ever goes out and looks to see how the structures actually perform over time. I don't know that any of these consultants are out looking at all the structures and measuring them over time, seeing how they react. As we see through the studies—and we have most of the years, just sort of bank-full—it's in these big years that things change. As the studies rolled out I said to Roy, "Nobody really knows what they're doing." And Andy, we were talking once, and he was talking about barbs, and he said, "Well, they're primarily designed for high water, and we haven't had any since most were put in." So, what I'm seeing, what I'm reacting to, they haven't even had the chance to perform; and my objections or concerns are that in high water how are they reacting, maybe they may react differently. But until there is actual data, everyone trying to do anything on the river is in the same quandary and will be for a long time. Everybody is trying to do something, but it seems like it's mostly in a vacuum.

Stan Sternberg: I have a thought, and I'm not sure if it's totally applicable or more pie-in-the-sky, but I was wondering, instead of every time Jerry or whoever has to come up with a site-specific design for a project on the river, could it be possible to have a general permit that's already created with acceptable design types in there that the agencies would buy off on? You wouldn't have to go back and recreate the wheel every time. Is that something that could be a possible recommendation?

Allan Steinle: I think what Stan is proposing is probably going to come out of the SAMP, as far as some kind of advanced identification to the public on—if you want to fast-track something—this is how to do it. But I think that's also a separate issue from what Jerry is talking about, as far as someone to help the landowner design his project.

Brant Oswald: One of the ways that we may be able to tie this back in is the informational clearinghouse that we've already agreed is an important concept. I'm not sure how that would come about, but it seems to me that with the clearinghouse information, we're going to say that there's a body of information in some sort of centralized location, and a landowner can go try to get to that information. What Jerry is asking for is some sort of outgrowth, maybe, of that library of information. Obviously, I think from our discussion, it's not going to be the regulatory agencies that provide that expertise. It's really not in the form of a recommendation, but one idea is that one of the possible roles of whatever watershed group we hope will follow us and this whole

process—if there might be a group that, at least—could try to coordinate some of that information that's going to rest in the clearinghouse, and try to bring some of that together in a more useful way, that it might be something that would grow out of that big body of information that will be sitting somewhere in an office.

John Bailey: Thank you. Other comments?

Andy Dana: I guess just to clarify; I don't necessarily think it's a bad idea to have an independent technical advisory committee, or a technical working group to provide this design assistance. I just wanted to make those comments earlier, that it could be a double-edged sword, are not lost. I have some wordsmithing to the one before, if you want to go back there, or if we want to sit on this, that's fine with me.

John Bailey: You brought up the idea of "group." That makes me think, a group makes it sound like maybe we go on to define somebody putting some group together? There's the Cooperative Agreement group, which goes on after we're gone, for the different agencies that agreed to work together. Do we want to be more specific than that? Do we want to do something with this, as to what that group might be made up of?

Andy Dana: Sure, that's one alternative. I'd be pretty careful if it's made up of representatives from each of the permitting agencies, who are members of the working group.

Liz Galli-Noble: I just had one quick comment as well. I think we tend to forget that we have a state university 22 miles away, and that there might be technical advice that could come through those departments.

Doug Ensign: A problem that I do see with this, although I like the idea, is that I think there are a lot of engineering concerns throughout Montana, and throughout the region, that would just be outraged at some sort of a government agency or so forth providing that kind of assistance. But if they weren't so darned expensive, we wouldn't be talking about this I guess, would we?

Jerry O'Hair: Well, I guess, one of the things that brought this to mind was that I've sat down there through a good many conservation district meetings in Livingston, on simple projects, and they have engineers and consultants come in when they present a booklet about that thick or thicker. It's a lot of pictures and a lot of words, and really it is a simple project. I don't know whether it carries more weight with the conservation district supervisors or not, than just a simple project printed out on a sheet. But they must feel it does because they sure present a lot of them that I think are clear.

John Bailey: So Jerry, is this a recommendation? Do you want to take it to Step 2, or is it an idea you want to hold and talk about later?

Jerry O'Hair: I want to hold off on it for now.

> #7 Recommendation by Jerry O'Hair **(TABLED)**
> "Landowners need technical assistance with project design and working through the permit process."

John Bailey: Okay, I wasn't sure where we were on that. That's fine.

Scott Bosse: Jerry, I recognize your concerns here. My one concern is that, if any financial assistance is going to be provided to landowners for this sort of work, I think there should be a compelling public interest involved as well. And so I would suggest some language at the end of that recommendation, to the effect that, when there is a compelling public interest involved.

John Bailey: Are you on Recommendation #6 or #7?

Scott Bosse: I'm on #7.

John Bailey: It's not a recommendation tonight. Jerry said he doesn't want it up there as a recommendation tonight.

Scott Bosse: Okay, but my comments are just part of the course of that discussion.

John Bailey: Okay. Andy, you wanted to wordsmith Recommendation #6?

Andy Dana: Okay. After "replace", so it's after "modify or replace" add "existing structures" and then scrap the rest of it and replace that with "to eliminate or mitigate undesirable impacts on the riparian system." So this, hopefully, would get to the issue of upgrading structures if landowners don't particularly want to take them out, they could at least apply better technology or use the knowledge that we've gained through this process to improve their structures.

> #6 Recommendation by Andy Dana
> "Establish financial incentives to help landowners, <u>on a voluntary basis</u>, to modify or replace existing structures ~~that no longer function properly or are obsolete with structures that work better~~ to eliminate or mitigate undesirable impacts on the riparian system."

George Jordan: I'm just playing devil's advocate here, but "undesirable" is another one of those words, depending on who you talk to, undesirable might mean bank erosion or it might be overland flooding. So how do you define "undesirable" in this sense?

Andy Dana: Remember, this is a voluntary program for landowners and they can opt out at any time, and so it's undesirable from the landowner's perspective. If the landowner wants to improve what he has, and he considers the current impacts undesirable, then…

George Jordan: Well, that maybe ties into what Scott Bosse was saying about providing public money to improve somebody's private riprap project, from that standpoint.

Andy Dana: It doesn't have to be funded.

Scott Bosse: George, you read my mind. That's exactly what I was thinking, and I certainly don't think we should recommend any financial incentives when there's not going to be funding. Why set ourselves up for failure, let's set ourselves up for success.

Andy Dana: I really don't understand the objection actually, because a landowner isn't going to apply for this unless he wants to improve his structure. Otherwise, he's just going to leave it there. Well, maybe we can take out "undesirable," why don't we just say "impacts on the riparian system."

Scott Bosse: I was going to say "adverse" or "negative" impacts…

Andy Dana: Who's to judge that? That's the same problem. I'm happy taking out "undesirable." That's fine.

Jim Barrett: I was going right with you until you said it was going to be up to the landowner to decide whether there was a problem. It seems to me unless these financial incentives are created and funded by landowner groups, who then turn around and choose to determine what is there that needs to be eliminated. But if this is something that is a public fund somewhere, it seems to me that it would say, "Establish financial incentives to help landowners to modify or replace existing…"; forget the voluntary stuff in there, because it is an incentive, and incentives are by nature voluntary. The idea is to put a carrot out there, and so whoever wants to bite on the carrot, can apply for funding to eliminate something that the public has determined to be disruptive, or have undesirable impacts. But I don't think the idea that the landowner is going to determine, "Well, I think this, I don't like the way these work, so I'm going to have the public buy me some big rocks," or something.

Andy Dana: That's the way it's going to work. The landowners who don't like the structure are going to approach the fund and say, "I want some help to modify this." It doesn't start anywhere else but the landowner. That's the point of this.

Jim Barrett: But then you say "impacts to the riparian system." It seems to me that that's more of a public interest, or it could be, more of a general public interest from that of different fisheries issues and etc.

Andy Dana: Sure, and that might be the landowner's motivation for doing it, but he's not going to be forced to do it.

Brant Oswald: It seems to me that we've got a little microcosm of our world that we live in here. I think Andy has the same ideas that the conservation groups have in mind here, it's just the language that the problem. I mean we're trying to leave a lot of the language general enough that we're not painting ourselves into a corner, but it seems to me that the thing that needs to change here, in terms of our wordsmithing, is the financial incentives, which will have to be defined by public interest. In looking at this, again, it's going to be a voluntary thing, but we would hope that the motivation for the landowner would be also the same things that would motivate the public interest. I guess we just need to be comfortable enough that we trust each other that that's going to happen. So it seems that somehow the financial incentives, when this program is set up, that's when that would have to be defined, and I'm not sure how we need to address that. I think there still needs to be some language in here, the sort of impacts that we're talking about on a riparian system. I think you have in mind that we would like to improve things if we can do something that would be better for fish or riparian vegetation or something, but that's how it's going to happen. I'm not sure how we need to change that, but again, it seems to me the way the financial incentives are defined, is going to be how we get around that issue.

John Bailey: Future Fishery money, I recall, was used to change the culvert coming out of DePuy's. The Future Fishery money of Fish, Wildlife and Parks is there for projects. Can it be used for this type of thing?

Andy Dana: You'd have to show a direct benefit to the fishery.

John Bailey: Did you have to show a direct benefit to the fishery? Was it the spring creek? I am only bringing it up in the sense that if we understood how that was working, we might have a way to approach this. That's why I brought that up.

Scott Bosse: John, to answer your question: I just worked on a Future Fisheries project just like that, and it has to be of benefit to the public fishery. Some other suggested language, after "eliminate or mitigate impacts that run counter to the public interest."

Andy Dana: I'm not going to make that change. If this is my proposal, I'm not going to go there, and it is my proposal. I think it just opens up a Pandora's box. I don't think we need to define everything. I think these are general recommendations, and if there is intent expressed to eliminate undesirable impacts, or impacts, then that's probably enough. That's probably as far as I want to go.

Jim Barrett: I agree with the words that are on the paper up there; they're clear. But the way that you interpreted that further. Just the way that it's written, makes good sense to me, because I was trying to clarify for myself, because I'm part of that public that's going to be looking at what's going on on the banks of the river, and if it looks to me like there's something kind of "fishy", pardon the pun, I would be upset about that. So I was trying to find ways to make sure that that language does that, it does, but it didn't when you explained it. So, I like the words up there.

Andy Dana: Sorry about that. Really, I think John hit-the-nail-on-the-head with raising the Future Fisheries program. That's the intent here, to create incentives for landowners to improve fisheries in that case, and in this case you improve what's going on in the river, and Future Fisheries is voluntary in the sense that the landowner has to apply, and meet the criteria. But as Brant said, presumably there is some public interest criteria if those monies are being dedicated.

John Bailey: I want to change the subject for one quick minute. It's now past 10 o'clock. If the Task Force wants to continue, I'm happy to do that. If you'd like to call it a night, that's fine, but I just want to bring up the time.

Roy Aserlind: I'm ready to call it a night.

Rod Siring: Me too.

Andy Dana: Why don't we see where we are on this one, and that way, if we don't pass it, then we can think about it, or scrap it, and then call it a night, if that's okay with other people.

John Bailey: Okay, we'll move to Step 2 on Recommendation #6. I will read the recommendation, Recommendation #6 "Establish financial incentives to help landowners, on a voluntary basis, to modify or replace existing structures to eliminate or mitigate impacts on the riparian system."

Are there any concerns or questions related to this recommendation?

Brant Oswald: Just to say it again, I think, as Jim Barrett was just saying, I think as I read this with the discussion that we've had, I'm comfortable with it. It seems like this might be a candidate for, I don't know in our protocol what we call it, but underline tabling this one to let us think about the language, and see if there is some simple wordsmithing that would make everybody a little more comfortable with it.

John Bailey: So, you're uncomfortable with it?

Brant Oswald: I think it might help us to sit on this one.

Andy Dana: So, is that a block?

Brant Oswald: Yes. I'm very happy with the idea behind this one, Andy, so I think with some very minor wordsmithing we'll have something that we can come to consensus on.

John Bailey: Other comments? We had heard from one voting member, how about others? Okay, how do people feel about this?

Responses were given in sitting order around the table.

Roy Aserlind: I'm happy with the intent.

Rod Siring: I'm not going to stop anything on it.

Doug Ensign: I'm accepting Andy's explanation that the public good concept is implied by the words there, so I'm okay with it.

Ed Schilling: Yes.

John Bailey: Brant is no.

Jerry O'Hair: Yes.

John Bailey: So, we're not gaining consensus by one. That member is asking to have it brought up at the next meeting?

Brant Oswald: Correct.

John Bailey: Okay. Will you either have a substitute recommendation, or ideas for changes?

Brant Oswald: I will probably brainstorm directly with Andy, but I think with some very minor wordsmithing, which I'll suggest at the next meeting.

John Bailey: Any other general comments tonight? Then, at the next meeting we will start with the topics or Floodplain or Riparian Vegetation.

Liz Galli-Noble: I have one quick question. The recommendations that reached consensus tonight, I thought that I would type them up and give them to you in hard copy as a reference; so that we can continue next time—using the projection screen—with things that are still being debated. Is everyone comfortable with that?

John Bailey: Liz, I think they also ought to be put on poster board and put up in the room so everyone can see them.

Liz Galli-Noble: Okay. I also think that what I'll do, just for the public, is make sure that they go on the website. What should I call them "proposed recommendations that have reached consensus?"

John Bailey: They are recommendations.

Andy Dana: I suggest printing them up as "Recommendations adopted by the Task Force subject to revision" according to whatever the criteria are.

Liz Galli-Noble: That's perfect, thank you. [See *Attachment B* for summary of recommendations that reached consensus.]

John Bailey: The next Task Force meeting is June 2nd, and then we're going to have one almost a week later on June 11th. Then we set one for July 15th. Any other comments? Otherwise, we're adjourned. Thank you very much.

VI.   **Next Task Force meetings:**

>   **June 2nd, 2003, Monday – Task Force Recommendation Deliberations**
>   **Location: Yellowstone Inn**
>
>   **June 11th, 2003, Wednesday – Task Force Recommendation Deliberations**
>   **Location: Yellowstone Inn**
>
>   **July 15th, 2003, Tuesday – Task Force Recommendation Deliberations**
>   **Location: Yellowstone Inn**

VII.   **The meeting was adjourned at 10:15 p.m.**

Attachment A. <u>Steps for Formal Action on Task Force Recommendations</u>

On April 29, 2003, the Governor's Upper Yellowstone River Task Force adopted the following process for development of recommendations and for adoption of final recommendations to be submitted to the Governor.

1. **General Discussion Session to Develop Recommendations**

   a. The Task Force will convene meetings to consider proposed recommendations that pertain specifically to the *Topics of Consideration* list previously adopted. The Task Force Chair will oversee and run each meeting according to the procedures set forth below. Issues, comments, concerns, and draft recommendations related to the *Topics of Consideration* under discussion, which have been raised and recorded after the eight research presentations, will be revisited by the Task Force and the public. New comments, concerns, and recommendations may also be raised and recorded.

   b. Task Force members speak first and when they have no further comments, members of the public will be asked for their comments. The Task Force Chair is responsible for ensuring comments remain concise and that they relate to the *Topics of Consideration* under specific discussion.

   c. Upon conclusion of the comment and discussion period in each meeting, the Task Force will propose recommendations formally in accordance with the procedures set forth in Paragraph 2 below.

2. **Formal Actions on Recommendations**

   a. All recommendations must be proposed by a voting Member of the Task Force and must be clearly stated and recorded.

   b. The Task Force Chair restates each recommendation made and asks the Task Force for final concerns and questions relating to each recommendation.

   c. The Task Force Chair calls for consensus on each recommendation made.

   d. The Task Force formally adopts recommendations that achieve consensus, subject only to modification at the final meeting as set forth in Paragraph 3 below.

   e. If any recommendation fails to achieve consensus, the Task Force may continue to consider that recommendation and may again seek consensus after further discussion, may defer action on the recommendation until a future meeting, or may decide to abandon the effort to obtain consensus on that particular recommendation. (Note: <u>Task Force Ground Rules</u>: *Participants who disagree with a proposal are responsible for offering a constructive alternative that seeks to accommodate the interests of all other participants*.)

3. **Adoption of Final Set of Recommendations**

   a. Prior to finalizing its recommendations to be forwarded to the Governor, the Task Force will accept public comment (written only) on the recommendations previously adopted in Step 2.

   b. At its last meetings during which the Task Force finalizes the complete set of recommendations to be forwarded to the Governor, Task Force Members may not propose new recommendations but may propose modifications, amendments, or deletion of any of the previously adopted recommendations in Step 2 for any reason, including but not limited to:

      i.   To address concerns expressed by a Task Force Member's constituency or the public about the original recommendation;

        ii.   To eliminate potential conflicts between recommendations;
       iii.   To delete redundant or duplicative recommendations;
       iv.   To integrate scientific studies and data more efficiently into the recommendations; or
       v.   To correct clerical, typographic, transcription, grammatical, or rhetorical errors.

c. The Task Force will adopt for transmittal to the Governor a complete set of recommendations based on the individual recommendations adopted by consensus pursuant to Step 2 above, as such recommendation may be modified, amended, or deleted by consensus pursuant to Step 3b above.

d. The final set of recommendations must be approved by the Task Force for transmittal to the Governor by consensus.

Attachment B. Task Force Recommendations

May 22, 2003

Consensus was reached on the following Task Force Recommendations.
Note: These recommendations are subject to final adoption under Step #3 of the *Steps for Formal Action on Task Force Recommendations* (see footnote below for details).

Recommendation   5/22/03—Passed by Consensus
"Create a local Bank Stabilization Information Clearinghouse to provide information about new and existing methods of bank stabilization, including methods that complement the natural system and methods that might be appropriate for specific individual situations."

Recommendation   5/22/03—Passed by Consensus
"The Task Force recommends that future decisions be made only after thorough consideration has been given to the geomorphology of particular river reaches and their different inherent characteristics."

Recommendation   5/22/03—Passed by Consensus
"That studies be developed which would indicate what types of bank stabilization would work best to achieve particular goals within different geomorphic reaches of the upper Yellowstone River."

Recommendation   5/22/03—Passed by Consensus
"That the existing streamlined uniform permit application process be continued among local, state, and federal permitting agencies."

Recommendation   5/22/03—Passed by Consensus
"Establish financial incentives to help landowners, <u>on a voluntary basis</u>, to remove structures that no longer function properly or are obsolete."

Step #3.   Adoption of Final Set of Recommendations
  a. Prior to finalizing its recommendations to be forwarded to the Governor, the Task Force will accept public comment (written only) on the recommendations previously adopted in Step 2.
  b. At its last meetings during which the Task Force finalizes the complete set of recommendations to be forwarded to the Governor, Task Force Members may not propose new recommendations but may propose modifications, amendments, or deletion of any of the previously adopted recommendations in Step 2 for any reason, including but not limited to:
    i.   To address concerns expressed by a Task Force Member's constituency or the public about the original recommendation;
    ii.   To eliminate potential conflicts between recommendations;
    iii.   To delete redundant or duplicative recommendations;
    iv.   To integrate scientific studies and data more efficiently into the recommendations; or
    v.   To correct clerical, typographic, transcription, grammatical, or rhetorical errors.
  c. The Task Force will adopt for transmittal to the Governor a complete set of recommendations based on the individual recommendations adopted by consensus pursuant to Step 2 above, as such recommendation may be modified, amended, or deleted by consensus pursuant to Step 3b above.
  d. The final set of recommendations must be approved by the Task Force for transmittal to the Governor by consensus.